THE HON'BLE SRI JUSTICE GOPALA KRISHNA TAMADA

WRIT PETITION No.18011 of 1997

DATED : 01.02.2007

Between:

Gedada Narayana Murthy S/o Subbanna
and another.

.... **PETITIONERS**

And:

The Mandal Revenue Officer,
V.K.Rayapuram, Samarlkot Mandal,
East Godavari District and others.

....**RESPONDENTS**

THE HON'BLE SRI JUSTICE GOPALA KRISHNA TAMADA

WRIT PETITION No.18011 of 1997

ORDER:

Petitioners are the residents of V.K.Rayapuram, and they own certain extents of lands in Rs.Nos.152/3 and 4. Abetting their lands there is a tank bed known as "pantakalva" and they are using the same for ingress and egress to their lands. While so, the third respondent obtained an objectionable patta for an extent of Ac.0.50 cents of land in Rs.No.156/2 and also applied for grant of permanent patta. Aggrieved by the same, petitioners and other villagers made representations to the second respondent. Now their grievance is that the first respondent is proposing to assign fair patta in respect of the said land in favour of the third respondent, in which event they would be prevented from reaching their lands. Hence, this writ petition.

Heard the counsel for both the parties.

There is no dispute that the land in Rs.No.156/2 of V.K.Rayapuram Village in Samalkota Mandal, East Godavari District is a tank poramboke. When once it is described as a tank poramboke, it is needless to say that the rights in the said tank vests with the Gram Panchayat and it cannot be assigned to any person, including the third respondent. The only ground urged by the learned counsel for the respondents is that the writ petition is premature, as no assignment was made in respect of the said land. However, as the petitioners state that they have been using the said tank bed for ingress and egress to their lands, the respondents are hereby directed not to assign the said land to anyone.

Accordingly, this writ petition is allowed. There shall be no order as to costs.

01.02.2007

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